

Clarke County

**PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 11, 2013**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, January 11, 2013.

ATTENDANCE

George Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Clay Brumback (arrived late), Robina Bouffault, Scott Kreider, Tom McFillen, Cliff Nelson, Chip Steinmetz, Richard Thuss and Jon Turkel.

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; and Debbie Bean, Recording Secretary.

ABSENT

John Staelin

CALLED TO ORDER

Brandon Stidham, as Clerk to the Commission, called the meeting to order at 9:03 a.m. as it was the first Commission meeting of the calendar year when election of officers is conducted.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Stidham asked for nominations of Chair to the Commission.

The Commission voted unanimously to elect Commissioner Ohrstrom as Chair to the Planning Commission for 2013.

Yes: Bouffault, Caldwell (moved), Kreider, McFillen (seconded), Ohrstrom, Steinmetz, Thuss and Turkel

No: No one

Absent: Brumback, Nelson and Staelin

Mr. Stidham asked for nominations of Vice Chair to the Commission.

The Commission voted unanimously to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2013.

Yes: Bouffault (moved), Caldwell, Kreider, McFillen (seconded), Ohrstrom, Steinmetz, Thuss and Turkel

No: No one

Absent: Brumback, Nelson and Staelin

Commissioner Brumback and Commissioner Nelson entered the meeting.

COMMITTEE ASSIGNMENTS FOR 2013

The Commission voted to approve the 2013 committee assignments.

Yes: Bouffault, Brumback, Caldwell, Kreider, McFillen (moved), Nelson, Ohrstrom, Steinmetz, Thuss (seconded) and Turkel

No: No one

Absent: Staelin

2013 MEETING SCHEDULE

The Commission voted to approve the meeting schedule for 2013 as presented.

Yes: Bouffault, Brumback, Caldwell, Kreider, McFillen (moved), Nelson, Ohrstrom, Steinmetz, Thuss and Turkel (seconded)

No: No one

Absent: Staelin

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Bouffault, Brumback, Caldwell (moved), Kreider, McFillen, Nelson (seconded), Ohrstrom, Steinmetz, Thuss and Turkel

No: No one

Absent: Staelin

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of December 4, 2012.

Yes: Bouffault, Brumback, Caldwell (moved), McFillen (seconded), Nelson, Steinmetz, Thuss and Turkel

No: No one

Absent: Staelin

Abstain: Kreider and Ohrstrom

The Commission voted to approve the regular meeting minutes of December 7, 2012.

Yes: Bouffault, Brumback, Caldwell (moved), McFillen (seconded), Nelson, Steinmetz, Thuss and Turkel

No: No one

Absent: Staelin

Abstain: Kreider and Ohrstrom

REZONING (ZONING MAP AMENDMENT)/SITE PLAN RZ-12-01/SP-12-08 – PUBLIC HEARING

Mahlon A. Jones (D&B Management Services, Inc., property owner) requests a conditional rezoning from Agricultural-Open Space-Conservation (AOC) to Highway Commercial (CH), and approval of a Site Plan for a convenience store with gasoline sales. Property is located at 3355 Lord Fairfax Highway (US 340), Buckmarsh Electoral District, and is referenced as Tax Map Parcel #8-1-2.

Mr. Stidham explained this request. He said that at the meeting of November 2, 2012 the applicants had requested a two month deferral in order to allow time to work on the remaining items of concern. Mr. Stidham gave a power point presentation showing the substantial progress

the applicants have made since the November meeting. He said there are still some items that remain outstanding and the applicants have requested an additional one month deferral of this proposal to the Commission's February 2, 2013 meeting. He stated that as noted in their deferral request letter, the applicants intend to discuss their approaches to resolving the issues with the Commission and to determine whether Commission members have any additional questions or concerns. He said that since the proposal is advertised for public hearing for this meeting, there will be an additional opportunity for the public to present any concerns that they may have with the project and with the applicants' approach to resolving the issues of concern. He stated that the applicants have provided additional information regarding the mobile home that remains on the property. He said that the mobile home must be removed by December 31, 2013. He said that the revised site plan was received by the Planning Department on January 10, 2013. Chair Ohrstrom questioned who would be responsible for the cost of moving the mobile home and Mr. Stidham replied that it would likely be the homeowner unless an arrangement was worked out with the property owner. Mr. Stidham said that new proffers have been provided to address allowing the home to remain temporarily and that staff recommends a one month deferral on this proposal. Commissioner Steinmetz said that any grandfathered terms that are on this property from items that were done in the past should be removed. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Evan Wyatt, agent for Greenway Engineering was present and stated that they are currently working on items that the Planning Commission requested to be done. He said that there are several people with him today that have been working on this proposal and they are here to answer any questions the Commission or the public may have. He said that they have been working with the owners of the mobile home and said that the owners will be living in the mobile home until December 31, 2013 on a month to month basis.

Dan Hamric, Senior Engineer with Ruckman Engineering, PLC, was present and stated that he has been working with the County's consultant geotechnical engineer, Dan Rom. He said he has been involved in all the field work for this project. He stated that they have found high plastic clays in the soil and he views the risk as low for karst issues.

Jeremy Tweedie with Chester Engineers was present and said that it is the tenants responsibility to move the mobile home and at their cost.

Mark Gribble, resident in the area was present and stated that he and his wife Valerie has lived in the area since 1997. He said that the County staff is doing a good job of keeping the public informed about this proposal. He said he and his wife have concerns with gas pumps at the proposed new store. He said that to have gas pumps available 24 hours a day would not be in conformance of the goals of the County.

Commissioner Steinmetz left the meeting.

Walter McMann, resident in the area was present and stated he cannot believe we are having this conversation knowing the danger of driving at the crest of the hill. He said the reason there is not more accidents is that the drivers are more cautious to prevent accidents. He said that by installing a longer turn lane it will give drivers a false sense of safety. He feels this is not what the County

needs by having more gas stations. He said the station will not look like the picture that has been presented for this proposal.

Daniel Poplasai, Sales Manager for Keystone Petroleum Equipment, LTD was present and spoke briefly about the proposed storage tanks for holding gasoline. He said that the storage tanks are double wall built and they are made with fiber glass. He said they have 24 hour monitoring on their tanks. He said the containment area will be monitored by a sensor. He said that the way the proposed facility will be built is state of the art. Several Planning Commission members indicated that the County should be notified immediately if there is a problem.

Mahlon Jones, the property owner, was present and stated that he would certainly want someone from the County to be notified in case of an emergency. He said if the building does not look like the picture that was presented to the Planning Commission he will have a definite problem with the architect. He said it should be a lot better than it is now. He stated that currently it is a very dangerous area and that his proposal will improve the area and makes it a nice place for the community. He would like it to be opened 7 days a week. Commissioner McFillen complimented Mr. Jones for treating Mr. Pierce, the resident of the mobile home so kindly. Mr. Jones said he is probably going to move the mobile home for Mr. Pierce.

There being no further public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Planning Commission voted unanimously to approve the recommendation of a one month deferral on this proposal.

Yes: Bouffault, Brumback, Caldwell (seconded), Kreider McFillen (moved), Nelson, Ohrstrom
Thuss and Turkel

No: No one

Absent: Staelin and Steinmetz

ZONING ORDINANCE TEXT AMENDMENT TA-12-05 – PUBLIC HEARING

Proposed text amendment to add a new section, §3-E-3-e-5, Approval Expiration, to the Clarke County Zoning Ordinance. The purpose of the text amendment is to limit the validity of Certificates of Appropriateness issued by the Historic Preservation Commission to five years and to establish a process for certificate holders to request reasonable time extensions based on established criteria. The new process would mirror the current process for approval expiration of site plans.

Mr. Stidham explained this request. He said the proposed text amendment is for adding a new Section 3-E-3-e-5, Approval Expiration, to the Clarke County Zoning Ordinance. He stated that the purpose of the text amendment is to limit the validity of Certificates of Appropriateness issued by the Historic Preservation Commission to five years and to establish a process for certificate holders to request reasonable time extensions based on established criteria. He said the new process would mirror the current process for approval expiration of site plans. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted unanimously to recommend approval of the above text amendment to the Board of Supervisors to set public hearing.

Yes: Bouffault (seconded), Brumback, Caldwell (moved), Kreider McFillen, Nelson, Ohrstrom
Thuss and Turkel

No: No one

Absent: Staelin and Steinmetz

Board/Committee Reports

Board of Supervisors (John Staelin)

Mr. Stidham stated that at the Board of Supervisors meeting on December 18, 2012 the Board set public hearing on the Zoning Map Amendment for Daniel and Kristine Hamilton.

Sanitary Authority

Members of the Planning Commission asked who provides the report for the Sanitary Authority. Staff was unsure of who is responsible for reporting for the Sanitary Authority. The Planning Commission asked if Staff could look into establishing a voting position or liaison for the Planning Commission.

Board of Septic & Well Appeals (John Staelin)

Commissioner Caldwell as alternate for George Ohrstrom, II on the BSA attended a meeting on January 7, 2013 regarding a review of the blasting permit.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Cliff Nelson)

No report.

Conservation Easement Authority (George Ohrstrom, II)

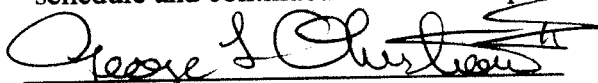
Ms. Teetor stated that there were three closing in 3 closings in December adding 300 acres and retiring 13 dwelling unit rights.

Other

Staff reminded the Commissioners to turn in their Conflict of Interest forms to the County Administrators office as the due date is January 15, 2013.

There being no further discussion, the regular meeting was adjourned at 10:28 a.m. The next regular meeting of the Commission is scheduled for February 1, 2013.

The Commission then held a workshop on the Comprehensive Plan update. They reviewed the schedule and continued work on Chapter II.


George Ohrstrom, II, Chair


Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary